

THE ELLSBERG 'BAG JOB'

The Pentagon papers trial in Los Angeles had already been thrown into confusion by the disclosure that Waterbuggers G. Gordon Liddy and E. Howard Hunt had burglarized the office of defendant Daniel Ellsberg's psychiatrist. But last week, simple confusion turned to near chaos. First, ousted White House aide John D. Ehrlichman admitted that on the orders of the President, he had launched his own investigation of the Pentagon papers leaks—an initiative that ultimately led to the burglary. Next, presiding judge W. Matthew Byrne made the tardy disclosure that the White House had offered him the job of FBI director while the trial was going on. In a final bizarre twist, Hunt told a disturbing cloak-and-dagger tale of how his squad of parapolice had pulled off the caper, and he linked the CIA to the whole sorry scandal. The question left before the court, said the outraged chief defense lawyer, Leonard Boudin, was no longer "what we have done to the government of the United States," but "what the government has done to us."

As Ehrlichman told it, the entire affair started in 1971 when the President ordered him to bolster the FBI's official investigation of the Pentagon papers case with a new investigation of his own. Ehrlichman turned that sensitive assignment over to two young aides, Egil (Bud) Krogh and David Young. They



Liddy: Filling in the blanks



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Byrne, the Ellsbergs, and Fielding: A bag of surprises in the Pentagon papers case

supervised Liddy and Hunt as White House "plumbers" to plug the leaks, and one of the first missions was to assemble a "psychiatric profile" of Ellsberg. It took a certain panache to do the job, since Ellsberg's psychiatrist, Dr. Lewis Fielding, had twice refused to talk to FBI agents investigating the case on the ground that responding to their questions would breach the confidence of his doctor-patient relationship with Ellsberg.

Files: Liddy and Hunt set out with zest, technological skill, and a mind-boggling indifference to the Bill of Rights. As Hunt told the Watergate grand jury, in testimony released by Byrne, the plumbers set up shop in Room 16 in the basement of the Executive Office Building next to the White House and plunged into basic homework on Ellsberg, using as reference materials the secret files of the FBI and the Justice Department.

That was a rare privilege. One Federal investigator told NEWSWEEK that in late July 1971 the Internal Security Division of the Justice Department, then headed by former Assistant Attorney General Robert C. Mardian, agreed to make raw FBI reports and material derived from FBI wiretaps available to the Liddy-Hunt black squad. The authorization to throw open the gates, the source said, came from former Attorney General John Mitchell (who denies the whole story). That expedited the work. All the plumbers had to do, one agent shrugged, was "to fill in the blanks about his character, moral level and sanity."

With the homework done, the subject of field work came up. "I don't know who mentioned the possibility of a bag job on the psychiatrist's office first," Hunt said modestly. "But in any event, it became a topic of low-key conversation around the office." Then, according to Hunt, Krogh authorized a trip by Liddy and Hunt to Los Angeles to case the joint—or, in his bureaucratized, to make "a preliminary vulnerability and feasibility study for such an operation." The two men made the trip to photograph Fielding's office. The night janitress said that when she caught them shooting pictures, one said simply: "Yo soy un médico"—in Spanish, "I am a doctor." They returned to Washington and wrote up their findings.

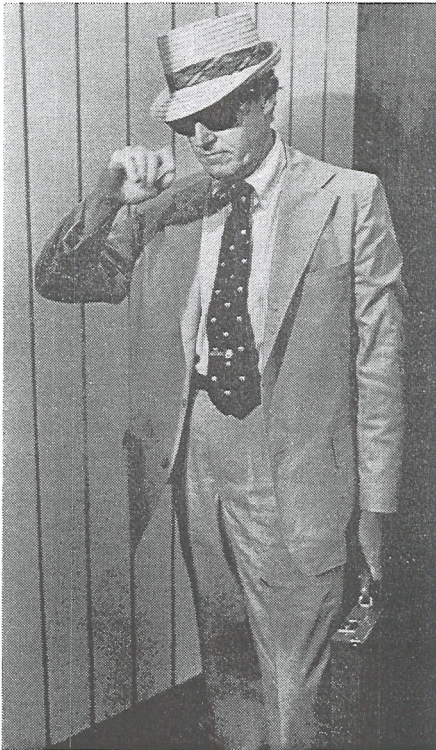
Hunt also made contact with a CIA operative who provided the plumbers with a special camera for photographing the Ellsberg psychiatric files, along with fake identification papers and disguises. Hunt recruited a former CIA agent, Bernard Barker, and two expatriate Cubans, identified as "Mr. Eugenio Martinez and Felipe DeDiego," to carry out the raid, explaining it all as a mission "in the national interest." The band then flew to Los Angeles.

The Cubans, dressed in deliverymen's uniforms and carrying a large green suitcase full of cameras, went to Fielding's office. They told the woman janitor they had come to "deliver" the bag to Fielding. They dropped the bag, pushed the unlocking button on his door, and left. Later they came back and pried open

Fielding's desk and file cabinets. To their chagrin, they found nothing they could use against Ellsberg; to prove they had carried out their mission, they shot Polaroid pictures of the gaping files. Back in Washington, Hunt tried to show the photographs to Nixon aide Charles Colson at Colson's office. "I have something that might be of interest to you," Hunt told Colson. "It has to do with our activities this past weekend." But Colson quickly replied, "I don't want to hear anything about them," and scuttled into another office. "It was a clean operation," Hunt concluded a bit glumly. "But it failed to produce."

Bribe: The tangle of disclosures appalled Judge Byrne—but Byrne himself had problems. To the open exasperation of the defense team, he admitted that he had gone to the Western White House in San Clemente, during the course of the trial, where he had been introduced "for about a minute" to the President, and where Ehrlichman had offered him the director's chair at the FBI. Byrne staunchly maintained that he had refused to consider the offer until the trial ended, but he conceded that he had gone back two days later for a second meeting with Ehrlichman. That, said an outraged defense counsel, added up to "an attempt to offer a bribe to the court—an attempt made in the virtual presence of the President of the United States."

That may have been an overstatement, and Byrne insisted that he was not compromised—but the whiff of Watergate lingered. As the government ends its case this week, the judge seems to have three choices: to dismiss the charges against Ellsberg and co-defendant Anthony Russo, to declare a mistrial or to allow the case to go to the jury and reopen hearings on government misconduct after the verdict comes in. Having made one serious mistake in judgment, Byrne seemed likely to proceed cautiously. "It's impossible to read the judge," Ellsberg observed tartly, but Byrne did leave the door open to further surprises. There were "holes" in the investigation, he said, and the burden of closing them "rests with the government."



Wally McNamee—Newsweek

Hunt: Plugging up the leaks